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Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,
CHHATTISGARH

M.A. NO. 25/2004

APPELLANTS :
(Non-applicants)

1. Rai Singh Patel, S/o. Shri
Jairam Patel, aged about
36 years, R/o. Village
Kusmisarar, Police Station
Saraipali, District
Mahasamund, Chhattisgarh

2. ✓ Jairam Patel, S/o. Hiraram
Patel, R/o. Village
Kusmisarar, Police Station
Saraipali, District
Mahasamund, Chhattisgarh

VERSUS

RESPONDENTS :
(Applicant)

✓ Mukesh Kumar Sahu, aged
about 24 years, S/o. Shri
Ramgopal Sahu, R/o. Block
Colony, Saraipali, District
Mahasamund, Chhattisgarh

MISCELLANEOUS APPEAL UNDER SECTION 173 OF
THE MOTOR VEHICLES ACT, 1988



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मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>HIGH COURT OF CHHATTISGARH AT BILASPUR</u> <u>M. A. NO.25 OF 2005</u> <u>(Hon'ble Mr. Justice Dharendra Mishra)</u>	
	<u>APPELLANTS</u> (Non-applicants)	1. Rai Singh Patel, S/o. Shri Jairam Patel, aged about 36 years, R/o. Village Kusmisarar, Police Station Saraipali, District Mahasamund, Chhattisgarh 2. Jairam Patel, S/o. Hiraram Patel, R/o. Village Kusmisarar, Police Station Saraipali, District Mahasamund, Chhattisgarh
	<u>RESPONDENT</u> (Applicant)	Vs Mukesh Kumar Sahu, aged about 24 years, S/o. Shri Ramgopal Sahu, R/o. Block Colony, Saraipali, District Mahasamund Chhattisgarh
	<u>Present:</u> Shri Ratnesh Kumar Agarwal, for the appellants. None for the respondent.	

M.A. 25
मामला क्रमांक सन् 2005

(24)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>18.06.2007</u> Heard on admission. This appeal is directed against the award dated 9th of September 2004 passed in Claim Case No. 23/2003 by Second Additional Motor Accident Claims Tribunal, Mahasamund whereby a sum of Rs.25,000/- has been awarded to the respondent for the injuries sustained by him in a motor accident dated 17.7.2002 involving tractor No. MP 23/G-2256 owned by appellant No.1 and driven by appellant No.2. Learned counsel for the appellants submits that from perusal of the statement of A.W.-2 Deepak Vishwakarma it is evident that the driver of tractor was not driving the vehicle rashly and negligently, however, the tribunal has recorded erroneous finding in the impugned award that the accident occurred because of rash and negligent driving by appellant No.1. The tribunal after appreciating the evidence available on record has negated this argument of the appellant by recording a finding that no report was lodged by the appellants in this regard against the respondent in the police station, on the contrary an offence under Sections 279, 337 & 338 of IPC was registered against appellant No.1 and on his admission fine was imposed by the learned Magistrate. From perusal of the statement of A.W.-2 Deepak Vishwakarma it is clear that at the time of accident he has alleged that the tractor in question was driven rashly and negligently by	

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मामला क्रमांक

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 3 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	appellant No.1 as a result of which it dashed causing injuries to the respondent. Therefore, in view of the above, the sum of Rs.25,000/- awarded by the tribunal to the respondent for the injuries sustained by him is just and proper. There is no substance in this appeal, the appeal is liable to be dismissed and it is hereby dismissed at the admission stage itself.	Sd/- Dhirendra Mishra Judge